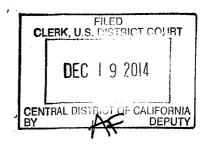
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## IN THE UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,
Plaintiff,

v.

ESEQUIEL DE JESUS GONZALEZ ORCINO,

Defendant.

Case No. 14-2493M

ORDER OF DETENTION

I.

The Court conducted a detention hearing:

- On motion of the Government [18 U.S.C. § 3142(f)(1)] in a case allegedly involving Choose an item.
- ☐ On motion by the Government or on the Court's own motion [18 U.S.C. § 3142(f)(2)] in a case allegedly involving a serious risk that the defendant will flee.

The Court concludes that the Government is NOT entitled to a rebuttable presumption that no condition or combination of conditions will reasonably assure

the defendant's appearance as required and the safety or any person or the 1 community [18 U.S.C. § 3142(e)(2)]. 2 II. 3 The Court finds that no condition or combination of conditions will 4 reasonably assure: \( \text{ the appearance of the defendant as required.} \) 5  $\boxtimes$  the safety of any person or the community. 6 Ш. 7 The Court has considered: (a) the nature and circumstances of the offense(s) 8 charged, including whether the offense is a crime of violence, a Federal crime of 9 terrorism, or involves a minor victim or a controlled substance, firearm, explosive, 10 or destructive device; (b) the weight of evidence against the defendant; (c) the 11 history and characteristics of the defendant; and (d) the nature and seriousness of 12 the danger to any person or the community. [18 U.S.C. § 3142(g)] The Court also 13 considered all the evidence adduced at the hearing and the arguments, the 14 arguments of counsel, and the report and recommendation of the U.S. retrial 15 Services Agency. 16 IV. 17 The Court bases its conclusions on the following: 18 As to risk of non-appearance: 19  $\boxtimes$ Lack of bail resources 20  $\boxtimes$ Refusal to interview with Pretrial Services 21 No stable residence or employment  $\boxtimes$ 22 Previous failure to appear or violations of probation, parole, or 23 release 24 Ties to foreign countries  $\boxtimes$ 25 Unrebutted presumption [18 U.S.C. § 3142(e)(2)] 26 XIMMIGRATION DETAINER/undocumented immigration 27 28 status

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2	As to danger to the community:
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4	Nature of previous criminal convictions
5	Allegations in present charging document
6	☐ Substance abuse
7	Already in custody on state or federal offense
8	
,9	
10	V.
11	☐ The Court finds a serious risk that the defendant will
12	☐ obstruct or attempt to obstruct justice.
13	threaten, injure or intimidate a prospective witness or juror, or
14	attempt to do so.
15	The Court bases its conclusions on the following:
16	
17	Defendant was born in Mexico and appears to be undocumented. Defendant was
18	previously deported/removed to Mexico by immigration authorities in 2005 and
19	2006 following his conviction, in 2004, for assault with a firearm. The Court is not
20	convinced that the defendant will abide by its order to appear for future court
21	appearances if released on bail. In addition, the prospective penalty that defendant
22	faces, if convicted of the charged offense, supports a finding that release on bail
	will pose a flight risk because defendant will likely be deported after serving the
23	sentence imposed, and the Court finds that, in conjunction with the other factors
24	noted above, this will provide an incentive to flee the jurisdiction.
25	notes 40010, and with provide an incentive to nee the jurisdiction.
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VI.

IT IS THEREFORE ORDERED that the defendant be detained until trial. The defendant will be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant will be afforded reasonable opportunity for private consultation with counsel. On order of a Court of the United States or on request of any attorney for the Government, the person in charge of the corrections facility in which defendant is confined will deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.

[18 U.S.C. § 3142(i)]

Dated: December 19, 2014

HON. ALKA SAGAR

UNITED STATES MAGISTRATE JUDGE